

REMARKS

Claims 1-16 are pending in the present application. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 102, Alleged Anticipation, Claims 1-16

The Office Action rejects claims 1-16 under 35 U.S.C. § 102(b) as being allegedly anticipated by BEA, "BEA MessageQ -- Programming Guide" (3-2000). This rejection is respectfully traversed.

As to independent claim 1, the Office Action states:

BEA discloses, "*A method for testing an application program, comprising the steps of:*

capturing input data entered into a primary test computer testing an application program (See Chapter 7, page 7-7, Figure 7-4)

sending the input data from the primary test computer (Chapter 7, page 7-8, Figure 7-6 shows 'B' -- primary) to a secondary test computer (Chapter 7, page 7-8, Figure 7-6 shows 'A' -- secondary) also testing the application program; receiving the input data by the secondary test computer (See Chapter 7, page 7-8, Figure 7-6, 'SET LOG SET SEND LOG'; and page 7-16, the last four lines, 'The DMQ\$EXAMPLES directory contains a program called sender.c that enables application developers to set target queue used with script processing. In addition, this program enables an application to read messages from a script file and forward them to a program that is already running', also see Chapter 2, page 2-23, Table 2-6, the last row, referring to "remote recovery journal");

executing the application program by the secondary test computer responsive to the input data (See page 7-16, lines 18-21, 'When you use the Script Facility on BEA MessageQ for Open VMS systems, all messages defined in the script file are delivered to the target queue of the application program you run regardless of the specified message TARGET argument specified in the message header phrase');

when an exception condition occurs while executing the application program by the secondary computer, reporting the exception condition to the primary test computer immediately upon the detection of the exception condition" (See Chapter 2, page 2-22, Table 2-6); and

displaying the exception condition by the primary test computer" (See Chapter 7, page 7-2, lines 1-5).

Office Action dated February 26, 2004, page 3.

Claim 1, which is representative of the other rejected independent claims 10 and 14, with regard to similarly recited subject matter reads as follows:

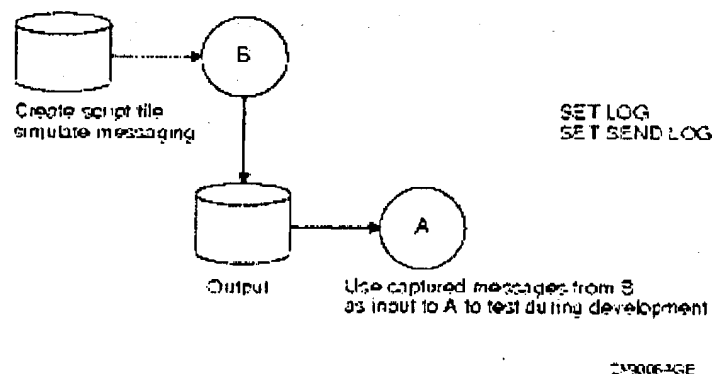
1. A method for testing an application program, comprising the steps of:
 - capturing input data entered into a primary test computer testing an application program;
 - sending the input data from the primary test computer to a secondary test computer also testing the application program;
 - receiving the input data by the secondary test computer;
 - executing the application program by the secondary test computer responsive to the input data;
 - when an exception condition occurs while executing the application program by the secondary computer, reporting the exception condition to the primary test computer immediately upon detection of the exception condition; and
 - displaying the exception condition by the primary test computer.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. In re Bond, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. In re Lowry, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). Applicants respectfully submit that BEA does not identically show each and every feature of the claims arranged as they are in the claims. Specifically, BEA does not teach sending the input data from the primary test computer to a secondary test computer also testing the application program, receiving the input data by the secondary test computer and executing the application program by the secondary test computer responsive to the input data.

BEA is directed to Open VMS programming for an easy-to-use, fast, and reliable message software that allows applications to communicate using the industry-leading queued message bus technology. Chapter 2 of BEA is directed to applications that send messages using the BEA MessageQ functions and one of two types of delivery modes:

recoverable or nonrecoverable. If a message is sent as nonrecoverable, the message is lost if it cannot be delivered to the target queue unless the application incorporates an error recovery procedure. If the message is sent as recoverable, BEA MessageQ Message Recovery Services (MRS) automatically guarantees delivery to the target queue in spite of system, process, and network failures. Chapter 7 of BEA is directed to using the BEA MessageQ Script Facility to provide a powerful tool for application developers to use in simulating message exchange between programs. Instead of writing a test program, BEA creates a script file containing instructions for capturing messages sent or received by an application, replaying captured messages, or simulating messages sent from an application that is still under development.

Thus, with the platform of BEA, only applications that send messages are described. Moreover, the BEA reference only simulates the message exchange between programs and not testing the application program. The instant application is directed to testing application program software. Furthermore, BEA does not teach sending the input data from the primary test computer to a secondary test computer also testing the application program. The Office Action alleges that this feature is taught at Figure 7-6, elements A and B, shown as follows:



BEA MessageQ Programmer's Guide, Figure 7-6. In this Figure, BEA teaches that Application B receives a script file for testing and the output of Application B is sent to Application A for testing which captures unsent messages. There is nothing in this section, or any other section of BEA, that teaches capturing input data entered into a primary test computer testing an application program and sending the input data from the

primary test computer to a secondary test computer also testing the application program. The reference does not state that Application B is same application that is running on a primary computer that Application A is running on a secondary computer. Application A and Application B are also presumably different applications.

Still further, BEA does not teach receiving the input data by the secondary test computer. The Office Action alleges that this feature is taught in Figure 7-6, shown above. As shown above the data received by Application A is the output of Application B and is not the captured input data entered into a primary test computer testing an application program. Thus, BEA teaches receiving the output data by Application B and does not teach receiving the input data by the secondary test computer, which is the same input data captured into a primary test computer.

Even further, BEA does not teach executing the application program by the secondary test computer responsive to the input data. While BEA executes Application A in response to the data received from Application B, the data received is the output of Application B and not the input data captured into a primary test computer.

Thus, BEA does not teach each and every feature of claim 1 as is required under 35 U.S.C. § 102(b). Similar distinctions apply to similar features found in independent claims 10 and 14. At least by virtue of their dependency on independent claims 1, 10 and 14, respectively, BEA does not teach each and every feature of dependent claims 2-9, 11-13 and 15-16. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-16 under 35 U.S.C. § 102(b).

Furthermore, BEA does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention. In fact, BEA does not even recognize the need for sending the input data from the primary test computer to a secondary test computer also testing the application program, receiving the input data by the secondary test computer, executing the application program by the secondary test computer responsive to the input data, and reporting the exception condition to the primary test computer immediately upon detection of the exception condition, when an exception condition occurs while executing the application program by the secondary computer. Absent the Examiner pointing out some teaching or incentive to implement BEA to provide these features, one of ordinary skill in the art would not be led to modify

BEA to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion, or incentive to modify BEA in this manner, the presently claimed invention can be reached only through an improper use of hindsight using the Applicants' disclosure as a template to make the necessary changes to reach the claimed invention.

II. Conclusion

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

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